

INTERNAL COMMUNICATION FORM

Suspense

DEPARTMENT OF HUMAN SERVICES

Subject: DIRECTOR'S MEMORANDUM #12-01
**OPPORTUNITY TO PARTICIPATE IN
PROGRAMS AND SERVICES**

Originator: PERS/CRCS
586-4955

To: SOs, DAs, BAs, SAs, USs
OYS, HPHA, CSW

From: DIRECTOR

Date: 01/05/12

Memo No. 1

The Department of Human Services (DHS) is committed to assuring that program benefits and services are made available to all persons and provided to all eligible individuals. This commitment is consistent with Federal and State statutes and regulations that prohibit discrimination in the provision of services by recipients of Federal and State funds.

To ensure that all persons are provided with an equal opportunity to participate in, and benefit from our programs, services and activities, we must eliminate barriers that may preclude meaningful access for otherwise qualified individuals who may have special needs. In particular, persons with limited English skills and/or disabilities may require assistance to access and participate in our programs, services and activities in and outside our facilities.

This memorandum serves to reinforce and make clear the commitment of the DHS to providing free interpreter services to applicants and recipients of DHS services, programs, and activities. Collecting data relative to the need for interpreter services (including, but not limited to, interpretation and/or translation of vital written documents) is important to this commitment.

All employees and sub-recipients of Federal and State funding must be aware of this commitment and shall conduct themselves appropriately when servicing applicants/participants. Discrimination will not be tolerated by the DHS.

We have an opportunity and obligation to provide services through processes that are free of discriminatory practices. Employees who engage in discriminatory conduct shall be subject to disciplinary action in accordance with the applicable personnel rules and regulations and/or bargaining unit agreement.

Providing Equal Access for Limited-English Proficient (LEP) Persons

The exclusion of LEP persons from our programs because of their inability to communicate in English could be considered a form of national origin discrimination under the Civil Rights Act, as well as Hawaii Revised Statutes, Chapter 371, Part II. In order to comply with these laws and statutes, and more importantly, to benefit from the opportunities to serve LEP persons, as well as ensure that they are free from discriminatory practices at the DHS, we must take the following steps to assure that all eligible persons with LEP have meaningful access to the benefits, services, and activities we provide:



Subject: PROGRAMS AND SERVICES	Originator: 586-4955
---------------------------------------	-----------------------------

To: OYS, HPHA, CSW	From: DIRECTOR	Date:	Memo No. 1
---------------------------	-----------------------	--------------	-------------------

- ✓ Ensure that LEP persons are informed of their right to be provided with interpreter services free of charge to them.
- ✓ Provide interpretation and/or translation of vital documents, such as applications, consent forms, and notices regarding denial or changes in benefits to promote understanding based on guidelines from program funding agencies and State laws.
- ✓ Contact qualified individuals and organizations, profit and/or non-profit when interpreter services are needed. Utilize qualified multi-lingual staff as well as qualified employees who have volunteered to serve as interpreters. Follow your Division's protocol in using court interpreter list.
- ✓ Utilize technology effectively to promote clear communication and understanding about programs, processes, and rights.

Additionally, the following guidelines must be followed by DHS, and its providers and other sub-recipients.

- | | |
|--------------------------|---|
| ○ Notices | Up-to-date notices must be placed in all public waiting areas. |
| ○ Data Collection | Each DHS Division, administratively attached agency or commission, and sub-recipient of Federal and State funding must collect and report data relative to language access needs. |
| ○ Training and Follow-up | Annual refresher training and follow-up of procedures and protocols are required. |

Providing Equal Access for Persons with Disabilities and Victims of Domestic or Sexual Violence

Federal laws, such as the Genetics Information and Nondiscrimination Act (GINA), the Americans with Disabilities Act, as Amended (ADAAA), and the Rehabilitation Act prohibit discrimination against individuals on the basis of genetics and/or disabilities.

Additionally, a new State law, effective January 1, 2012, prohibits discrimination in employment, provides for reasonable accommodations, and further protects individuals who are Victims of Domestic or Sexual Violence in the State of Hawaii.

In keeping with DHS' policies (4.10.3 and 4.10.4), and to meet our obligations under the law, as well as to benefit from the ideas and efforts of individuals we serve, the DHS will:



Subject: PROGRAMS AND SERVICES

Originator: 586-4955

To: OYS, HPHA, CSW

From: DIRECTOR

Date:

Memo No. 1

- ✓ Ensure our facilities that serve the public on a regular basis are physically accessible to applicants, participants and employees with disabilities. If this is not readily achievable, services shall be programmatically accessible to qualified individuals.
- ✓ Provide reasonable accommodations to ensure access to programs, services and employment for persons with disabilities and, to employment for victims of domestic or sexual violence.
- ✓ Make reasonable modifications to our procedures and practices to ensure that persons with disabilities are not excluded from participation in our programs, services, and activities.

This Internal Communication Form (ICF) should be disseminated to all employees, providers and sub-recipients and filed in the Director's Memorandum section of the DHS Policies and Procedures Manual (Reference 4.10.3 and 4.10.4.) This ICF replaces Director's Memorandum #11-01.

Director